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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 **JOHN PETTITT, MURPHY LABRADOR**
12 **CORPORATION, MAX GSD TRUST OF 1996 BY**
13 **BARBARA MUSSER, TRUSTEE,**

14 Plaintiffs,

15 v.

16 **JOHN CHIANG, individually and in his capacity as**
17 **STATE CONTROLLER OF THE STATE OF**
18 **CALIFORNIA,**

19 Defendant.

CV 07-5854 CW

[PROPOSED] ORDER

20 The motion to dismiss or for a more definite statement by defendant John Chiang,
21 California State Controller (“Controller”) pursuant to Federal Rules of Civil Procedure 12(b)(6)
22 and 12(e) came on regularly for hearing on March 6, 2008, in courtroom 4 of the above-entitled
23 Court, the Claudia Wilken presiding. After reviewing the moving, opposition, and reply papers,
24 and all supporting documents, and considering the arguments of counsel, and GOOD CAUSE
25 APPEARING THEREFORE,

26 IT IS HEREBY ORDERED that the Controller’s motion to dismiss is granted and
27 plaintiff’s complaint, in its entirety, is dismissed with prejudice.
28

[Proposed] Order

Pettitt v. Chiang
Case No. CV 07-5854 CW

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SO ORDERED

Dated: _____

CLAUDIA WILKEN
United States District Judge

[Proposed] Order